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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,281	02/19/2002	Robert F. Meyerson	13944.102	3855
29956	7590	05/17/2006	EXAMINER	
TIMOTHY P. O'HAGAN 8710 KILKENNY CT FORT MYERS, FL 33912			ELAHEE, MD S	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/008,281	Applicant(s) MEYERSON ET AL.	
	Examiner Md S. Elahee	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/24/2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 9-14 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 9-14 and 18-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This application has been transferred from examiner Allan Hoosain to examiner Alam Elahee.

#### ***Response to Amendment***

1. This action is responsive to an amendment filed on 02/24/2006. Claims 1-5, 9-14 and 18-22 are pending. Claims 6-8, 15-17 have been cancelled.

#### ***Response to Arguments***

2. Applicant's arguments filed on 02/24/2006 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

#### ***Claim Objections***

3. Claim 18 is objected to because of the following informalities: regarding claim 18, the phrase "one of the communication link" in lines 18, 19, appears to be "one of the communication links". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2614

5. Claims 1, 10, 18, 19, 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Regarding claim 1, the phrases "the subscriber device" in lines 11, 12 and "the subscriber station" in line 12 are indefinite. There are two different subscriber devices and three different subscriber stations. It is unclear which subscriber device and which subscriber station the phrases are referring to.

7. Regarding claim 10, the phrases "the subscriber station" in line 9 and "the subscriber device" in lines 11, 12 are indefinite. There are two different subscriber stations and two different subscriber devices. It is unclear which subscriber station and which subscriber device the phrases are referring to.

8. Regarding claim 18, the phrases "the subscriber station" in line 9 and "the subscriber device" in lines 11, 12 are indefinite. There are two different subscriber stations and two different subscriber devices. It is unclear which subscriber station and which subscriber device the phrases are referring to.

Regarding claim 18, the phrase “establishing a second audio channel over at least one of the communication link” is indefinite because it is unclear over which link a second audio channel is being established, since a first audio communication channel has already been established over a communication link. It appears that the second audio channel is being established over a **second communication link** from a service provider communication medium to a destination associated with the selected contact.

9. Claims 19, 21 and 22 recite the limitation "the wireless communication link" in line 4 of claims 19, 21 and line 3 of claim 22. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections - 35 USC § 103*

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Art Unit: 2614

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Knauerhase** (US 2003/0023691) in view of **Wenk** et al. (U.S. 6,253,088).

As to Claims 18-22, with respect to Figures 1-6, **Knauerhase** teaches establishing a communication session with a selected subscriber station over a communication link (P0023);

accessing a subscriber contact directory that is associated with the subscriber device operatively coupled to served by the selected subscriber station (P0023);

receiving an indication of subscriber selection of a selected contact from the subscriber contact directory (Figure 6, label 604);

establishing a first audio communication channel over the communication link with the subscriber station to which the subscriber device is operatively coupled (Figure 6, labels 612,614); and

establishing a second audio channel over at least one of the communication link and a service provider communication medium to a destination associated with the selected contact (Figure 6, labels 612,616).

However, **Knauerhase** does not specifically teach receiving a message from the subscriber station indicating that a subscriber device has been operatively coupled thereto. **Wenk** teaches receiving a message from the subscriber station indicating that a subscriber device has been operatively coupled thereto (col.4, lines 47-56). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify **Knauerhase** to incorporate receiving a message from the subscriber station indicating that a subscriber device has been operatively coupled thereto in order to route all calls intended for the subscriber device to the subscriber station.

As to Claim 19, **Knauerhase** teaches the method of claim 18, further comprising:

communicating at least a portion of the subscriber contact directory to the selected subscriber station over the wireless communication link (P0036, lines 16-20); and

communicating control messages to the selected subscriber station over the wireless communication link to effect the display of at least a portion of the subscriber contact directory (P0036, lines 16-20).

As to Claim 20, **Knauerhase** teaches the method of claim 19, further comprising:

identifying parameters of a display associated with the selected subscriber station (P0036, lines 16-20); and

communicating display layout messages compatible with the parameters to the selected subscriber station (P0036, lines 16-20).

Claim 21 is rejected for reasons as discussed above with respect to claim 19. Furthermore, **Knauerhase** teaches communicating control messages to the selected subscriber station to effect the communication of at least a portion of the subscriber contact directory to the subscriber device and to effect the display of at least a portion of the subscriber directory by the subscriber device (P0023 and P0036).

As to Claim 22, **Knauerhase** teaches the method of claim 18, further comprising:

accessing subscriber contact files stored on the subscriber device (P0023);

updating the subscriber contact directory to include at least a portion of the subscriber contact files (P0035, lines 11-13).

#### ***Allowable Subject Matter***

14. Claims 1 and 10 will be allowed after overcoming 35 U.S.C. 112, second paragraph rejections.

#### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



Art Unit: 2614

**Kikinis et al.** (US 5,633,920) teach Smart phone,

**Fintel** (US 6,704,580) teach Cellular telephone docking system, and

**Asada et al.** (US 6,570,976) teach Multimedia private branch exchanger and private branch exchange system.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

May 14, 2006

  
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